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10/522,299	07/11/2008	Wolfgang Otto Budde	DE 020188	1502
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EXAMINER				
WRIGHT, BRYAN F				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/522,299

**Applicant(s)**

BUDDE ET AL.

**Examiner**

BRYAN WRIGHT

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to original filing July 11, 2008. Claims (1-18) are pending.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

#### ***Drawings***

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). Applicant has not submitted formal drawing as part of original disclosure. Appropriate correction is required.

#### ***Claim Objections***

Claims 1-18 objected to because of the following informalities: Applicant use of numeric reference such as, "first portable unit (1)", is not in compliance with current Office guidelines as set forth in MPEP. Applicant is advised to delete all numeric reference included as part of the claim limitations. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the key record" in line 8. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 10 recites the limitation "the key record" in line 2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 13 recites the limitation "the key record" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 17 recites the limitation "the key record" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hermann et al. (European Patent Application No. 1024626 and Hermann hereinafter).

8. As to claim 1, Hermann teaches a **security system for wireless networks, comprising:**

**a first portable unit (I) with a memory (3) for storing a worldwide unambiguous key record (4) provided for short-range information transmission of the key record (4)** (i.e., ... teaches a device such as but not limited to PDA, smart cards, badges [par. 39] ... teaches a first and second device architecture {par. 45})) **and at least one receiving unit (7) in at least one wireless apparatus (2) of the network** (i.e., ... teaches a second receiving unit in a wireless communication network [abstract]), **comprising a receiver (9) for receiving the key record (4) and an evaluation component (II) of the apparatus for storing** (i.e., ... teaches a second receiver device [par. 45] ... teaches second device receives information. .... teaches information receives is evaluated for communication authentication purposes [par.44]), **processing**

**and/or passing on the key record (4) or a part of the key record to a second component** (i.e., ... teaches a sending key data to second party [par. 46])

9. As to claim 2, Hermann teaches a **security system characterized in that the worldwide unambiguous key record (4) in the memory (3) of the portable unit (i) is predetermined by the manufacturer** (i.e., ... teaches a wireless communication between devices [fig. 2] ... those skilled in the art would recognize the inherent to wireless device communication is the communication pertinent manufacturing device information transmission between communicating device for initialization and setup purposes)..

10. As to claim 3, Hermann teaches a **security system characterized in that the portable unit (i) comprises an input device (50) for providing a key record to the memory (3)** (i.e., ... teaches a description of network devices in [par. 39] ... the teaching of network devices in par. 39 describes a PDA. ... those skill in the art would recognize inherent to a PDA is a means to input information and store information)

11. As to claim 4, Hermann teaches a **security system characterized in that the input device (50) is adapted to detect biometric characteristics of a user and derive a key record from and/or authenticate the user by means of said biometric characteristics** (i.e., ... teaches Human Interface Device (HID) for which can recognize voice [par. 39]).

12. As to claim 5, Hermann teaches a **security system characterized in that the portable unit (i) is adapted to erase a key record provided by means of the input device (50) from the memory (3) after a predetermined period of time and/or after a processing procedure** [par. 39].

13. As to claim 6, Hermann teaches a **security system characterized in that the first unit (i) comprises a triggering unit (5) for triggering a short-range transmission of the key record** (i.e., ... teaches short-range communication such RF [par.. 42] ).

14. As to claim 7, Hermann teaches a **security system characterized in that, upon a user's approach to the receiving unit (7), a detector unit in the unit (i) triggers the short-range information transmission of the key record (4)** (i.e., ... teaches access points and point to point communication [par. 36] ... teaches a RF and IR networks [par. 42] ... those skilled in the art would recognize inherent to RF and IR technology are detectors to receive and process signal)..

15. As to claim 8, Hermann teaches a **security system characterized in that a key generator (14) is provided in the first unit (i) or in a second unit (13) for generating a sequence of guest key records (17)** (i.e., ... teaches a generating a key [par. 48]).

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16. As to claim 9, Hermann teaches a **security system characterized in that the first unit (I) is provided for transmitting a guest key record (17) upon activation of a second triggering unit (15)** (i.e., ... teaches transmitting a key to a second party [par. 48]).

17. As to claim 10, Hermann teaches a **security system characterized in that the key record (4) and the guest key record (17) each consist of a bit sequence** (i.e., ... teaches a use of digital devices [par. 39] ... teaches a generating key data [par. 46] ... those skill in the art would recognize bit processing (e.g., constructing a bit sequence) as inherent behavior digital devices).

18. As to claim 11, Hermann teaches a **security system characterized in that the first unit (I) is a part of an apparatus, particularly a remote control unit** [abstract].

19. As to claim 12, Hermann teaches a **security system characterized in that the key record (4) is supplied during or before a network configuration, particularly an automatic network configuration, of an apparatus (2)** [par. 46].

20. As to claim 13, Hermann teaches a **security system characterized in that the key record (4) and the guest key record (17) comprise**



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**characterizing bits which are provided for distinguishing between key records (4, 17) and other bit sequences and characterize bit sequences as key record (4) or as guest key record (17)** (i.e., ... teaches a use of digital devices [par. 39] ... teaches a generating key data [par. 46] ... those skill in the art would recognize bit processing (e.g., constructing a bit sequence) as inherent behavior digital devices).

21. As to claim 14, Hermann teaches a **security system characterized in that the apparatus (2) is provided for erasing the guest key record (17)** (i.e., ... teaches a use of a nonce [par. 47] ... those skilled in the art would recognize a nonce is temporal and values are unique).

22. As to claim 15, Hermann teaches a **security system characterized in that the apparatus (2) is provided for authentication and encryption of useful data to be transmitted between the apparatuses of the network by means of a key comprised in the key record (4, 17)** [par. 46].

23. As to claim 16, Hermann teaches a **security system characterized in that the apparatus (2) identifies its association in with a wireless network by means of a key comprised in the key record (4, 17)** [par. 47]

24. As to claim 17, Hermann teaches a **portable unit (i) for installing a shared key in at least one apparatus (2) of a wireless network comprising a**

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**memory for storing a worldwide unambiguous key record (4) (i.e., public key) which is provided for short-range information transmission of the key record [pa. 47].**

25. As to claim 18, Hermann teaches a **electric apparatus (2) with a receiving unit (7) comprising a receiver (9) for receiving a key record (4) and an evaluation component (li) of the apparatus (2) for storing, processing and/or passing on the key record or a part of the key record to a second component (i0) [par. 44].**

#### **Prior Art Made of Record**

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Di Luoffo et al. (US Patent No. 7,380,125) Smart card data transaction system and methods for providing high levels of storage and transmission security

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/  
Examiner, Art Unit 2431

/Christopher A. Revak/  
Primary Examiner, Art Unit 2431